

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:	§	
	§	
JOSE TREVINO, SR. and	§	BANKRUPTCY CASE NO. 10-70594
TERESA TREVINO	§	
	§	CHAPTER 13
DEBTORS	§	
<hr style="border: 0.5px solid black;"/>		
JOSE TREVINO AND	§	
TERESA TREVINO,	§	
	§	
PLAINTIFFS,	§	
	§	
v.	§	ADVERSARY NO. 13-07031
	§	
1) HSBC MORTGAGE SERVICES,	§	
INC.,	§	
	§	
2) U.S. BANK TRUST, N.A. as Trustee	§	
for LSF8 MASTER	§	
PARTICIPATION TRUST, and	§	
	§	
3) CALIBER HOME LOANS, INC.,	§	
	§	
DEFENDANTS.	§	

**PLAINTIFFS' UNOPPOSED MOTION SEEKING THAT THE
COURT SET A STATUS CONFERENCE IN THIS ADVERSARY PROCEEDING**

COME NOW, Jose and Teresa Trevino, Plaintiffs, and file this unopposed motion requesting that the Court conduct a status conference in this adversary proceeding, and at such conference enter a schedule for further pre-trial proceedings in advance of trial. In support, Plaintiffs respectfully show the Court as follows:

1. Plaintiffs filed this adversary proceeding on December 30, 2013.

2. Defendants Caliber and U.S. Bank Trust filed a motion to dismiss, and briefing was submitted. *See* Docket Nos. 13, 22, 29 and 32. However, the Court did not rule on the motion to dismiss of Caliber and U.S. Bank at that time.

3. The Court had entered a scheduling order on April 21, 2014, and discovery commenced. Docket No. 25.

4. Plaintiffs later filed motions to compel, which were set for hearing on August 26, 2014.

5. On August 12, 2014, Defendant HSBC filed motions to substitute counsel (Docket No. 35), and on August 18, 2014 HSBC filed other documents, including a motion for summary judgment/motion for judgment on the pleadings, motion to stay discovery hearings and discovery in general, a motion for protective order, and a response to Plaintiffs' motion to compel. *See* Docket Nos. 38 and 39.

6. In light of the new developments, the Court held a status conference on August 26, 2014. At the status conference, the Court directed Plaintiff to amend the complaint, and suspended all other deadlines. *See* Courtroom Minutes, Docket No. 47.

7. After additional motion practice, Plaintiffs filed their Second Amended Complaint on March 12, 2015. Docket No. 78.

8. All Defendants filed motions to dismiss the second amended complaint in full, and the issues were briefed extensively. *See* Docket Nos. 79, 80, 81, 82, 83, 84, 86, 87, 88, 89 and 90. The motions to dismiss were argued on April 29, 2015.

9. On June 19, 2015, the Court issued its Opinion and Order, granting in part and denying in part the Defendants' motions to dismiss. Docket Nos. 96 and 97.

10. After briefing on reconsideration, the Court entered a slightly revised Opinion and an Amended Order. Docket Nos. 105 and 106. *See Trevino v. HSBC Mortgage Services, Inc., et al. (In re Trevino)*, 2015 WL 4628785 (Bankr. S.D. Tex. July 31, 2015).

11. The Parties have no scheduling order in place to guide pre-trial proceedings now that the motions to dismiss have been resolved. Plaintiffs thus request that the Court set a status conference for one of the following days, which are available dates for the counsel that will be attending, if any such dates are convenient for the Court:

Tuesday, September 24, 2015 – Friday, September 25, 2015;

Monday, September 28, 2015 – Tuesday, September 29, 2015;

Monday, October 5 – Wednesday, October 7, 2015.

12. The Parties estimate that the status conference should take approximately 45 minutes.

13. The Defendants have no opposition to the Court setting a status conference.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully requests that the Court set a status and scheduling conference in this matter.

Respectfully submitted,

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ATTORNEYS FOR JOSE &
TERESA TREVINO

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with Bob Bruner, counsel for HSBC, and Melissa Hayward, counsel for Caliber and U.S. Bank Trust, and the Defendants are not opposed to this Motion.

/s/ Karen L. Kellett
Karen L. Kellett

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via electronic mail to the persons listed below on August 26, 2014:

/s/ Karen L. Kellett
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